
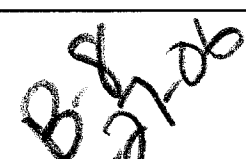


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services		(2) MEETING DATE June 27, 2006		(3) CONTACT/PHONE Duane Leib (805) 781-5200		pj
(4) SUBJECT Partnership between the County and Lucia Mar Unified School District to provide recreational improvements in Nipomo.						
(5) SUMMARY OF REQUEST On May 7, 2002 the County and Lucia Mar Unified School District entered into a Joint Use Agreement (JUA) to provide outdoor recreational improvements at Nipomo High School that benefit the Nipomo community and the school's students. A contribution of Quimby Fee funds paid for the construction of new soccer fields with the agreement assuring continued public access to these improvements. Staff is now proposing an amendment to the JUA to provide an additional \$300,000 in Quimby funds to pay for the construction of a restroom that will support the soccer fields and other outdoor, publicly accessible recreational amenities.						
(6) RECOMMENDED ACTION 1) Approve Amendment No. 1 to the 2002 Joint Use Agreement between the County and the District and direct the Chair to sign; and, 2) approve a budget adjustment of \$300,000 from the South County Quimby Fund Center 85704 to Parks-Land Fund Center 30504 to pay the District for County's share of improvements and appropriate those funds in FY 2006/07, by four-fifths vote.						
(7) FUNDING SOURCE(S) Quimby Fees		(8) CURRENT YEAR COST \$300,000 (FY 06/07)		(9) ANNUAL COST \$0		(10) BUDGETED? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Lucia Mar Unified School District and SLO County Parks Commission						
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____						
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input checked="" type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input checked="" type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____ 19000199			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date May 7, 2002	
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: center; margin-top: 20px;">  </div> <div style="text-align: right; margin-top: 20px;">  </div>						



COUNTY OF SAN LUIS OBISPO

Department of general services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200

DUANE P. LEIB, DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: *D. Leib* DUANE P. LEIB, GENERAL SERVICES DIRECTOR

DATE: JUNE 27, 2006

SUBJECT: PARTNERSHIP BETWEEN THE COUNTY AND LUCIA MAR UNIFIED SCHOOL DISTRICT TO PROVIDE RECREATIONAL IMPROVEMENTS IN NIPOMO

RECOMMENDATION

1) Approve Amendment No. 1 to the 2002 Joint Use Agreement between the County and the Lucia Mar Unified School District and direct the Chair to sign, and 2) approve a budget adjustment of \$300,000 from the South County Quimby Fund Center 85704 to Parks-Land Fund Center 30504 to pay the District for County's share of improvements and appropriate those funds in FY 2006/07, by four-fifths vote.

DISCUSSION

On May 7, 2002 the County and Lucia Mar Unified School District entered into a Joint Use Agreement to provide outdoor recreational improvements at Nipomo High School that benefit the Nipomo community and the school's students. A one-time contribution of \$125,000 in Quimby Fee funds paid for the construction of new soccer fields with the agreement assuring continued public access to these improvements. Those fields have been constructed and used for both school activities and community recreation.

While the initial agreement has proved effective, the popularity of the fields for both school and community use has accentuated the need for permanent restroom facilities. That need lead to a request of County Parks to fund a public restroom in partnership with the District. District staff has prepared a construction estimate of \$300,000 for a facility which meets the community need and school standards.

On February 27, 2006, staff presented the project to the Nipomo Community Advisory Council for consideration. While the Council voted to support funding for the project, they expressed concerns about whether Quimby Fees could legally be used for this purpose. In fact, the state enabling legislation and San Luis Obispo's local ordinance specifically site that Quimby funds can be used "for the purpose of providing park and recreational facilities to serve the

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June 27, 2006
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subdivision" where the fees were collected. The Quimby Fee fund for the region of the county including Nipomo has generated in excess of \$2.4 million in revenue with less than \$1.3 million committed to projects. That leaves a current balance in excess of \$1.1 million for commitment to projects in the Nipomo area.

A review of the project's benefits was once again conducted by staff to assess its ranking through Parks' CIP rating criteria. As was the case in 2002, this contribution of funds is very highly rated due to the identified needs for recreational facilities in the Nipomo area, consistency with our program plans, lack of impact on Parks' maintenance budget and the fact that this contribution helps to complement an approved project.

On March 23, 2006, the County Parks Commission unanimously endorsed this project and recommended the Board of Supervisors: 1) authorize a financial contribution of \$300,000 in Quimby Fee funds to the Lucia Mar USD; and, 2) approved the associated amendment of the Joint Use Agreement with the District.

On May 15, 2006, the Lucia Mar Unified School District Board of Education unanimously approved Amendment No. 1 to the Joint Use Agreement between the District and the County.

Staff now recommends your Board: 1) Approve Amendment No. 1 to the 2002 Joint Use Agreement between the County and the Lucia Mar USD and direct the Chair to sign; and, 2) approve a budget adjustment of \$300,000 from the South County Quimby Fund Center 85704 to Parks-Land Fund Center 30504 to pay the District for County's share of improvements and appropriate those funds in FY 2006/07, by four-fifths vote. By taking this action, the District can proceed with development of the project now and the funds will be available for transfer in the upcoming fiscal year.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Parks and Recreation Commission has unanimously endorsed this action; the Lucia Mar USD Board has unanimously approved this action; and, County Counsel has reviewed and approved Amendment No. 1 as to form.

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June 27, 2006
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FINANCIAL CONSIDERATIONS

This is a one-time contribution not to exceed \$300,000 from Quimby Fees; ongoing maintenance of the restroom will be the responsibility of the District. There is no impact to the General Fund or the Parks Budget.

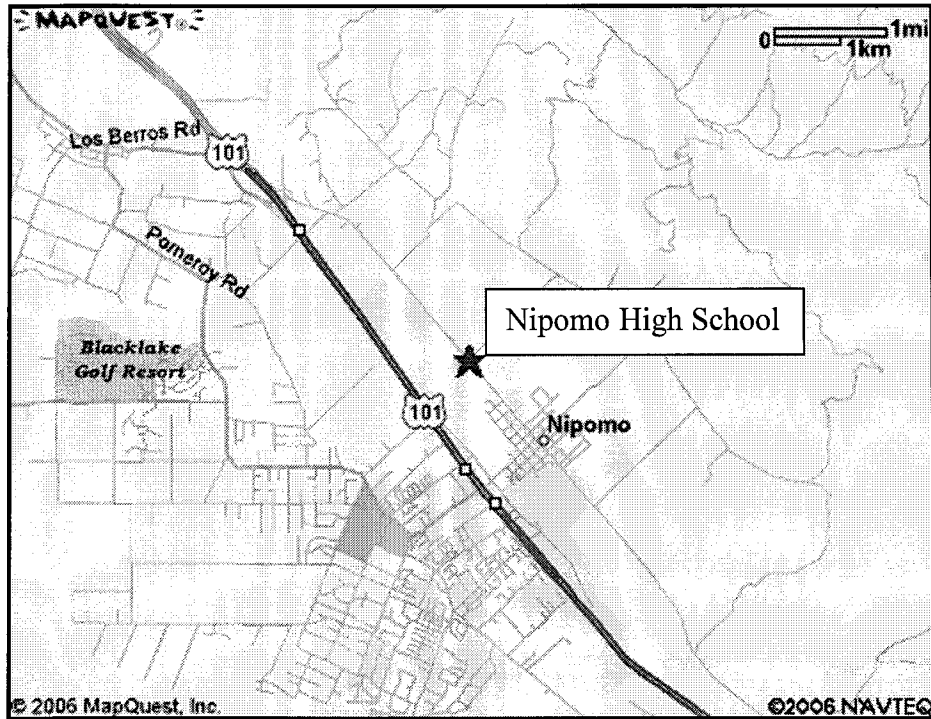
RESULTS

Approval of Amendment No. 1 and related budget transfer will enhance a partnership between the County and District for the purpose of providing public recreational improvements in the community of Nipomo.

Attachment: Area map
Amendment No. 1
Budget Augmentation Report

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D-4

Exhibit One: Area Map
Nipomo High School



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THE LUCIA MAR UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION
RESOLUTION A-0506-17
JOINT USE AGREEMENT Between Lucia Mar Unified School District
AND THE COUNTY OF SAN LUIS OBISPO
FOR JOINT IMPROVEMENT OF RECREATIONAL IMPROVEMENTS, AMENDMENT No. 1

WHEREAS, the Lucia Mar Unified School District ("DISTRICT") and the County of San Luis Obispo ("COUNTY") entered into a Joint Powers Agreement pursuant to California Government Code, Section 6500 *et seq.*, on May 7, 2002 for the purpose of providing enhanced outdoor recreational facilities for children and adults to serve the community of Nipomo at Nipomo High School; and,

WHEREAS, the DISTRICT and the COUNTY desire to continue the Joint Powers Agreement executed on May 7, 2002 with modifications;

NOW, THEREFORE, in consideration of the following terms and conditions, the DISTRICT and the COUNTY agree to amend the Joint Powers Agreement by adding the following Paragraph 3.3 to Section III:

"3.3 The COUNTY will contribute a total capital outlay not to exceed \$300,000 toward the cost of construction of restroom facilities to serve the outdoor recreational facilities at Nipomo High School. Following the adoption of this amendment, funds shall be paid by the COUNTY within 30 days of receipt of invoice from DISTRICT."

The DISTRICT and the COUNTY further agree to amend the language of Paragraph 5.1 in Section V:

"5.1 The term of this Agreement shall be for a 10-year period beginning on July 1, 2006, and thereafter may be automatically renewed for an additional 10-year period; however, after the original 10-year period, the Agreement may be terminated at any time by either party hereto by giving to the other party a one (1) year prior written notice of such termination."

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number One to the Joint Powers Agreement as of the _____ day of _____, 2006.

COUNTY OF SAN LUIS OBISPO

By: _____
Chair, Board of Supervisors

Approved by the Board of Supervisors this
_____ day of _____,
2006.

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL
EFFECT:

By: Rita Neal
Deputy County Counsel

Date: 6/9/06

LUCIA MAR UNIFIED SCHOOL
DISTRICT

By: Deborah A. Flores
Deborah A. Flores, Ph.D.
District Superintendent

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